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SUBJECT: MONUC AND NGO COLLABORATION WITH MILITARY LEADS TO
TWO WAR CRIMES VERDICTS

REF: A. 06 KINSHASA 1932

[¶](#)B. 03 KINSHASA 1266

[¶](#)1. (U) Summary. MONUC-Bunia human rights officers and local NGO Justice Plus played major roles in the successful prosecution of two prominent Ituri District human rights cases. A military court handed down judgments in both cases February 19, convicting 14 Congolese military (FARDC) soldiers of war crimes for an August 2006 mass murder, and six FNI-FRPI combatants of the 2003 murder of two MONUC military observers. End summary.

[¶](#)2. (U) The Bunia military tribunal in the DRC's Ituri District handed down verdicts in two major cases February 19. The first case involved the August 2006 mass murder of over 30 civilians (ref A), the second the May 2003 killing of two MONUC military observers (ref B).

[¶](#)3. (U) The court convicted 14 soldiers of the FARDC First Integrated Brigade (1st IB) for war crimes in the August 2006 mass murder, sentencing 13 to hard labor for life, one to a six-month prison term, and exonerating another. The court tried and condemned four of the soldiers in absentia. Judges also ordered the 14 to pay a total of 315,000 USD (10,000 to 15,000 USD per victim), plus interest, to the families of the victims, all from the village of Bavi. Congolese law stipulates the government must pay the damages if the defendants do not.

[¶](#)4. (U) Bunia-based NGO Justice Plus played a key role in securing the convictions. The ten-year-old NGO gathered eyewitness testimony after the villagers disappeared, including crucial evidence that located the graves in the 1st IB's camp. Director Mpiana Gode told us March 7 the group turned the information over to Military Prosecutor John Penza and pushed for investigation. Justice Plus members also accompanied victims' families to court hearings from December to February and monitored the case on a daily basis.

[¶](#)5. (U) The MONUC-Bunia Human Rights section also supported prosecution of the case. Its Victims, Witnesses and Human Rights Defenders Protection Unit placed two key prosecution witnesses under MONUC protection after they provided FARDC and MONUC investigators with evidence implicating the 1st IB in the killings. MONUC human rights officers jointly investigated the mass graves with military investigators and conducted an independent follow-up mission in December 2006.

[¶](#)6. (U) The military tribunal announced its second conviction publicly on the main street of Bunia. It convicted seven FNI-FRPI militia fighters for the murder of two MONUC military observers in May 2003 at Mongwulu, Ituri District.

It sentenced four to life and two to 10 and 20 years at hard labor, respectively, and exonerated one. A MONUC Bunia political officer told us March 7 that two other fighters accused of the murders remain at large. Penza said he was satisfied with the judgment, and the MONUC Rule of Law section chief in Kinshasa called it a "step forward for military justice."

¶ 17. (U) Both MONUC and Justice Plus have raised concern that those convicted will not serve their full terms. The dilapidated state of Bunia's prison facilities has led to previous break-outs, including one in which an FNI-FRPI combatant accused in the murders of the MONUC observers escaped. Gode told us he had advocated for relocation of prisoners to Kisangani, the provincial capital. He believes facilities there offer more security against escapes. A MONUC-Bunia political officer said MONUC would continue to urge provincial and national officials to reform Bunia prison.

¶ 18. (U) Comment: Military justice in Congo has a long way to go before it is able to fight impunity on its own, but Military Prosecutor Penza and the Bunia military tribunal deserve credit for their work in these cases. The tribunal has handed down four verdicts for war crimes or crimes against humanity since the beginning of 2006. The court could not have secured its recent verdicts, however, without the hand-holding of MONUC and a dedicated local NGO. End comment.

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